*Last S. M. P. A. Election in Group II of Minachil Taluk.*

104. Mr. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): (*a*) Is it a fact that Mr. V. C. George was elected at the first election to the Sri Mulam Popular Assembly by the voters of Group II of the Minachil taluk?

(*b*) Is it a fact that the objection petition presented by the rival candidate was at first found by the Division Peishkar to be groundless?

(*c*) Was the petition again sent for enquiry and report to the Division Peishkar by the Government?

(*d*) Was the member who had been returned heard before the Government ordered a fresh enquiry?

(*e*) Did the Government direct the Division Peishkar not to hear the member returned in the matter of enquiry and report? If so, why?

(*f*) Is it a fact that Mr. V. C. George moved the Division Peishkar to hear him before any action was taken against his election, and that the Division Peishkar refused to do so because the Government order was otherwise?

(*g*) Did Mr. George and his vakil appear before the Dewan and the Chief Secretary to Government with a petition that he should be heard before anything was done against the election which was in his favour?

(*h*) Did the Chief Secretary make a promise to do so?

(*i*) Has he not noted the prayer of Mr. V. C. George?

(*j*) Is it a fact that the Govenment decided the case against Mr. V. C. George by cancelling the first election and ordering a re-election without hearing him and taking his evidence, in spite of his petitions?

(*k*) Is it a fact that the Government acted merely on the strength of the evidence of witnesses produced by the opposite side and examined *in camera* without allowing an opportunity to Mr. George to cross-examine them?

(*l*) Are there any special reasons for adopting this unusual procedure?

(*m*) Will the Government be pleased to place on the table the papers connected with the enquiry in question including the reports of the Division Peishkars and the several orders passed thereon?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) The Peishkar did not make any enquiry himself. He stated, on the strength of a report from the Tahsildar, that there did not seem to be any irregularity in the election and that the allegations contained in the petition were unfounded.

(*c*) Yes.

(*d*) No. The rules relating to the Assembly do not require that the parties should be heard by the Government in such cases.

(*e*) No.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. R. Krishna Pillai.]

(*f*) A petition dated the 22nd Vrischikam, 1100/7th December, 1924, is seen to have been presented to the Dewan Peishkar by Mr. V. C. George who prayed, among other things, that his vakil should be heard. Government have no information whether the vakil was or was not heard.

(*g*) On the 10th December, 1924, Mr. V. C. George presented a petition to the Dewan praying *inter alia* that he might be heard before any order adverse to him was passed. A *vakalat* was also put in by Mr. T. J. Joseph on his behalf.

(*h*) No.

(*i*) He noted on the memo presented by Mr. George's vakil that the vakil wished to be heard.

(*j*) and (*k*) The procedure followed is clear from the answers to the previous parts of the question.

(*l*) The rules were followed, and no unusual procedure was adopted.

(*m*) The answer is in the negative.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): With reference to part (*d*) that the rules relating to the Assembly do not require that the parties should be heard by the Government in such cases, may I know whether it is not a principle of justice that a party who has got a vested right should be heard before his right is disturbed?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That may be. But there is no provision under the Rules for the party being heard.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): When there are no such rules definitely, is it not the universal principle that the party should be heard?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is not possible to extend that principle in every case.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Is there any particular reason why this party was not heard?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): None.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Is it not a fact that, in Legislative Council Election cases, the party is heard?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A party is heard when the law requires that he should be heard.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Did not Mr. George want that he should be heard?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes. I noted his request on his petition.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): May I know why he was not heard?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I have answered it already.

LIBRARY ARCHIVES Kerala Legislative Assembly